

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

LEON S. COWAN,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No. 02-2255-CM
UNIFIED SCHOOL DISTRICT 501,)	
SHAWNEE COUNTY, KANSAS,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

Plaintiff filed suit claiming that defendant discriminated against him on the basis of race by failing to promote him in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, the Kansas Act Against Discrimination, (“KAAD”), K.S.A. § 44-1001 *et seq.*, and 42 U.S.C. § 1981. On April 29, 2004, a jury returned a verdict in plaintiff’s favor. Pending before the court is plaintiff’s Motion to Award Statutory Attorney’s Fees (Doc. 71) and the parties’ joint Stipulation and Request for Agreed Order on Attorney’s Fees (Doc. 78).

The prevailing party in a Title VII civil-rights action is entitled to request that the court order an award of reasonable attorneys’ fees. 42 U.S.C. § 1988(b); 42 U.S.C. § 2000e-5(k); *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). “The most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *Hensley*, 461 U.S. at 433. Generally, the prevailing party must provide the court with

records that document the hours worked on the case, and then the court determines whether the counsel's rates are reasonable. *Id.*; *Ramos v. Lamm*, 713 F.2d 546, 553 (10th Cir. 1983).

In this case, plaintiff's counsel initially filed a motion requesting attorney's fees in the amount of \$35,000.00. Thereafter, pursuant to Federal Rule of Civil Procedure 54(d) and District of Kansas Local Rule 54.2, the parties met and agreed upon an amount for attorney's fees, which they have submitted to the court. The court excerpts from and makes part of the court's order the following relevant language from the parties' joint motion:

The parties hereby stipulate that the amount of fees that should be awarded to plaintiff's attorney (for time through May 12, 2004) is twenty-nine thousand six hundred seventy-one dollars and 25 cents (\$29,671.25). Plaintiff and defendant agree that such amount is fair and reasonable, and that no numerical reduction, enhancement, or multiplier shall be applied to the amount.

This stipulation does not cover or constitute a precedent for amounts of time and expenses expended after May 12, 2004. Also, by entering this Stipulation and requesting this Order, neither party waives their respective rights to appeal on any issues other than the proper amount to be awarded for attorneys' fees incurred on and before May 12, 2004. Neither party makes any admission, concession, waiver or stipulation about any issue or amounts other than for the above-described pre-May 13 amounts.

Therefore, based upon the parties' compromise and their joint stipulation of a fair and reasonable attorney's fee award, the court hereby awards an amount of \$29,671.25 to plaintiff's counsel. The court finds this amount to be a reasonable award as required by § 1988(b) and § 2000e-5(k).

IT IS THEREFORE ORDERED that the parties' joint Stipulation and Request for Agreed Order on Attorney's Fees (Doc. 78) is granted, and plaintiff's Motion to Award Statutory Attorney's Fees (Doc. 71) is denied as moot.

Dated this 16th day of June 2004, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge